



AF ZTW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 406990)

In re the Application of:)	Customer No. 27717
)	
Rakesh Bhakta)	
)	Art Unit: 2136
Serial No.: 10/040,603)	
)	
Filed: January 7, 2002)	Examiner B. Hoffman
)	
For: Gaming Device with Biometric)	
System)	

TO: MAIL STOP: AF
Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Do not enter
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RESPONSE TO FINAL REJECTION

Dear Sir:

This is in response to the Office Action dated November 7, 2005.

In the November 7, 2005 Office Action, the Examiner pointed out that the 37 C.F.R. §1.131 Affidavit to antedate the primary reference to Bradford et al. "is faulty because of the lack of diligence." The Examiner indicated that there is no showing of any diligence until the filing of the application January 7, 2002. To remedy this deficiency, an additional Declaration is submitted herewith, by Garrettson Ellis, the attorney who prosecuted the instant patent application. Mr. Ellis' Declaration, combined with the previously filed Declaration of the inventor, demonstrates that the invention was conceived prior to Bradford et al.'s July 17, 2001 filing date, and that there was reasonable diligence from prior to the July 17, 2001 filing date until applicant's invention was constructively reduced to practice on January 7, 2002.